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| 10/663,477      | 09/15/2003  | Peter Dam Nielsen    | 857.0017.U1(US)     | 2898             |

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| EXAMINER |
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RADTKE, MARK A

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| ART UNIT | PAPER NUMBER |
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2165

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04/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/663,477 | <b>Applicant(s)</b><br>NIELSEN ET AL. |  |
|                              | <b>Examiner</b><br>MARK A. X RADTKE  | <b>Art Unit</b><br>2165               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 18, 20, 23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 18, 20, 23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 March 2008 has been entered.

### ***Remarks***

2. In response to communications filed on 3 March 2008, claim(s) 15-17, 19, 22 and 25 is/are cancelled, claim(s) 1-5, 9-12, 18, 20 and 23 is/are amended, and new claim(s) 26-28 is/are added per Applicant's request. Therefore, claims 1-14, 18, 20, 23 and 26-28 are presently pending in the application, of which, claim(s) 1, 18, 20, 23, 26 and 28 is/are presented in independent form.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 12-14, 18, 20, 23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apfel (U.S. Pat. No. 6,973,299) in view of McIntyre (U.S. Pat. No. 7,111,317).

As to claim 1, Apfel teaches an electronic device (see figure 3) comprising:  
a user input device (see figure 3);  
a memory to store computer program instructions (see figure 3); and  
a processor operable under the control of the computer program instructions to provide a database application (see figure 2, mobile phone 260), wherein the database application provides a user interface that enables a user to access personal data organized as a plurality of contacts entries in a database (see column 3, line 10), where each contacts entry is associated with a different person and has one or more alphanumeric text fields and an image field and using the captured image as an image field of an entry of the database (see column 5, lines 53-56).

Apfel does not explicitly teach

a digital camera; and

a camera control application provides a user interface that enables the user to control the device using the user input device to capture an image via the digital camera and, immediately upon capturing an image, presents a user selectable option for entering the database application.

McIntyre teaches an electronic device (see Abstract) comprising:

a digital camera (see column 3, line 38, "image capture device"); and

a camera control application arranged to enable the user to control the electronic device using the user input device to capture an image via the digital camera and to present a user selectable option, on capturing an image, for entering the database application (see columns 12-13, spanning paragraph, particularly column 12, lines 61-62, "after taking a picture").

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have modified Apfel by the teaching of McIntyre because "[f]orms of communication for the one or more contacts include [...] multimedia message service (MMS)" (see Apfel, column 3, lines 52-55) and MMS messages are a well-known feature in camera phones. Furthermore, McIntyre anticipates the use of cellular phones at line 17 of column 22.

Apfel, as modified, still does not explicitly teach wherein the presentation of a user selectable option for entering the database application occurs "immediately upon capturing an image".

However, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Apfel to immediately present

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such an option upon capturing an image because it would merely provide an automatic means to replace a manual activity which accomplished the same result (see MPEP 2144.04.III and *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

Furthermore, providing shortcuts for commonly-used features is a well-known technique in user interface design (for evidence, see section 6 of "A Summary of Principles for User-Interface Design").

As to claim 2, Apfel, as modified, teaches wherein the camera control application immediately presents a plurality of user-selectable options upon capturing an image including the option for using the captured image as an image field of a contacts entry (see McIntyre, column 12, lines 61-62, "The message can be selected by the camera user after taking a picture" implies that there is a plurality of messages that can be selected).

As to claim 3, Apfel, as modified, teaches wherein the camera control application transfers the captured image from storage in a first memory to permanent storage in the database (This limitation is inherent in any computer system. Data is stored in "fast" memory while being used by the processor (either RAM or, broadly, internal registers in the CPU) and moved to "slow" memory for permanent storage. See column 10, lines 45-50).

As to claim 4, Apfel, as modified, teaches wherein the camera control application controls the creation of a new contacts entry in the database (see column 3, line 16, "as new information becomes available").

As to claim 5, Apfel, as modified, teaches wherein the camera control application controls the amendment of an existing entry in the database (see column 3, line 20, "update processing").

As to claim 6, Apfel, as modified, teaches wherein the user input device enables a user to selectively use either the database application or the camera control application (See column 8, lines 41-62. Apfel anticipates various software applications executing on the phone).

As to claim 7, Apfel, as modified, teaches wherein the user input device is the keypad of a mobile telephone (see figure 3 and see column 8, lines 26-40 and see Abstract).

As to claim 8, Apfel, as modified, teaches wherein the database application functions as at least a telephone book (see column 5, lines 35-36, "mobile phone number").

As to claim 9, Apfel, as modified, teaches wherein each contacts entry has at least one alphanumeric text field for storing a telephone number (see column 5, lines 35-36, "mobile phone number").

As to claim 12, Apfel, as modified, teaches wherein the processor is operable under the control of computer program instructions to provide an image viewing application, wherein selection of a first one of the plurality of user selectable options, makes the captured image accessible, via the database application, as an image field of a contacts entry (see Examiner's comments regarding claims 1 and 2) and wherein selection of a second one of the plurality of user selectable options makes the captured image available via the image viewing application (see McIntyre, column 8, lines 25-29).

As to claim 13, Apfel, as modified, teaches further comprising a temporary memory for temporarily storing a captured image (see Examiner's comments regarding claim 3 and see column 11, line 45, "RAM").

As to claim 14, Apfel, as modified, teaches wherein the processor is operable under the control of computer program instructions to provide an image viewing application, and the camera control application is arranged to transfer the captured image from temporary storage in the temporary memory to permanent storage accessible by the viewing application (see Examiner's comments regarding claims 12 and 13).



As to claim 18, Apfel, as modified, teaches an electronic device (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 20, Apfel, as modified, teaches a computer readable medium encoded with a computer program (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 23, Apfel, as modified, teaches a computer readable medium encoded with a computer program (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 26, Apfel teaches a method (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

As to claim 27, Apfel, as modified, teaches wherein the at least one user-selectable option is a plurality of User-selection options (see Examiner's comments regarding claim 1. It is unclear how this claim further limits the parent claim).

As to claim 28, Apfel teaches a method (see Abstract) comprising:

For the remaining steps of this claim applicant(s) is/are directed to the remarks and discussions made in claim 1 above.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apfel as applied to claims 9 and 1 above, respectively, and further in view of Morita (U.S. Pat. No. 6,766,018).

As to claim 10, Apfel, as modified, still does not teach operating as a telephone, further comprising a display, wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call.

Morita teaches operating as a telephone, further comprising a display, wherein the processor is responsive to an incoming call to display an image from the image field of a contacts entry that has an alphanumeric text field corresponding to the telephone number originating the incoming call (see column 1, lines 38-40).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Apfel by the teaching of

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Morita because "It should be noted however, that as mobile phones become more sophisticated, they are beginning to incorporate many of the components illustrated for conventional computer 620. Accordingly, with relatively minor adjustments, mostly with respect to input/output devices, the description of conventional computer 620 applies equally to mobile phones" (see Apfel, column 11, lines 35-41).

As to claim 11, Apfel, as modified, still does not teach wherein a contacts entry can be selected by a user by scrolling the image fields of the database.

Morita teaches wherein a contacts entry can be selected by a user by scrolling the image fields of the database (see column 1, lines 35-37).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time the invention was made to have further modified Apfel by the teaching of Morita because "It should be noted however, that as mobile phones become more sophisticated, they are beginning to incorporate many of the components illustrated for conventional computer 620. Accordingly, with relatively minor adjustments, mostly with respect to input/output devices, the description of conventional computer 620 applies equally to mobile phones" (see Apfel, column 11, lines 35-41).

### ***Response to Arguments***

6. Applicant's arguments filed on 3 March 2008 with respect to the rejected claims in view of the cited references have been fully considered but are moot in view of the new grounds for rejection.

### ***Additional References***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of art with respect to camera phone contact modification in general:

US 6832102 B2 by C. I'Anson

US 7206806 B2 by R.A. Pineau

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications should be directed to the examiner, Mark A. Radtke. The examiner's telephone number is (571) 272-7163, and the examiner can normally be reached between 9 AM and 5 PM, Monday through Friday.

If attempts to contact the examiner are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (800) 786-9199.

maxr

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4 April 2008

/Christian P. Chace/  
Supervisory Patent Examiner, Art Unit 2165